



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 3 1997

Sister **Mary** Ramona
Director
The Felician School for Exceptional
Children, Inc.
P.O. Box 530
Lodi, New Jersey 07644

Dear Sister Ramona:

Thank you for your letter to Senator Frank R. Lautenberg, which has been referred to Secretary of Education Richard W. Riley and to me for direct reply. In your letter, you express concern about the provisions of the Individuals with Disabilities Education Act Amendments of 1997 (IDEA Amendments of 1997) being misinterpreted at the State level if the regulations are not explicit regarding the continuum of alternative placements and services. You also wrote an identical letter to Congressman Steven R. Rothman, which the Office of Special Education Programs (OSEP) responded to on September 23, 1997.

As you may know, the Department issued a "Notice for advice and recommendations on regulatory issues under the IDEA Amendments of 1997" (Notice) in the June 27, 1997 issue of the Federal Register (copy enclosed). The Notice solicited input from a wide spectrum of individuals and organizations interested in the formulation of the IDEA regulations. The deadline for submitting comments was July 28, 1997. Following the analysis of comments and recommendations received in response to this Notice, and after completing the drafting process, the Department issued a "Notice of Proposed Rulemaking," containing proposed regulatory language, in the September 17, 1997 issue of the Federal Register (copy enclosed). Comments and input on the Proposed Rules will be solicited and analyzed and the Department will then proceed to issue the Final Regulations needed to implement the IDEA. It is the Department's intent to issue the Final Regulations in the first half of 1998.

The requirement that a continuum of alternative placements be available to meet the needs of the child is included in the existing regulations. The Congress did not make any significant changes that would reverse the effort at ensuring that, to the maximum extent appropriate, children with disabilities are educated with children who are not disabled, while at the same time ensuring that each child has available an educational setting appropriate to his/her individual needs. One additional requirement Congress did make that indirectly impacts on the continuum requirement is the decision to require that parents be included in the group that makes the decision on the educational placement of the child. See 20 U.S.C. §1414(e). Also, States that use funding mechanisms that distribute funds based on the type of setting in which the child is served must ensure that such funding mechanism does not violate the requirement that children be educated in the least restrictive environment. See 20 U.S.C. § 1412 (a)(5)((B)(i).

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The Secretary and I appreciate your interest and support in ensuring that children and youth with disabilities receive the educational services that are required. You may be assured that your concerns will be considered, along with the others that OSEP received, as the Department proceeds with the regulatory process.

If I can be of any further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Hehir".

Thomas Hehir
Director .
Office of Special Education Programs

Enclosure

cc: Honorable Frank R. Lautenberg
United States Senate